

PATENT COOPERATION TREATY

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RECKITT BENCKISER
GROUP PATENTS DEPT

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Brown, Andrew Stephen
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Group Patents Department
Dansom Lane
Hull, Yorkshire HU8 7DS
GRANDE BRÉTAGNE

TO:

TO: *dm 26/4/04*

CASE NUMBER

11019 P1WO

DIAGRAM

INVOICE

ACKNOWLEDGEMENT

RENEWALS

dm

dm

Date of mailing

(day/month/year)

22.04.2004

WRITTEN OPINION
(PCT Rule 66)

22 JUL

Applicant's or agent's file reference
11019P1WO/AB

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/GB 03/02931

International filing date (day/month/year)
07.07.2003

Priority date (day/month/year)
17.07.2002

International Patent Classification (IPC) or both national classification and IPC
B65D65/46, B65D65/46

Applicant
RECKITT BENCKISER (UK) LIMITED et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 17.11.2004

Name and mailing address of the international preliminary examining authority:



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Authorized Officer

Appelt, L

Formalities officer (incl. extension of time limits)

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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-38 as originally filed

Claims, Numbers

1-18 as originally filed

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	
Inventive step (IS)	Claims	1-3,5-8,11-18
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claim 1

The closest prior art appears to be disclosed in the document GB-A-2358382 (D1). This document discloses a water-soluble container comprising at least one first compartment (24, 26), said one or each first compartment containing a composition that comprises less than 5 wt% free water (see, for example, page 56, lines 1, 2 stating that the composition may be anhydrous, i.e. containing no water at all; see also page 61, lines 19 to 21 stating that the total amount of water may be 2 to 5 wt%), and a second compartment containing a second composition, wherein the second composition generates a gas on exposure to the atmosphere or water (see page 63, lines 27 to 30). It is clear from D1 (see, for example, page 54, line 8) that the composition contained in the second compartment may include a bleaching agent which, when exposed to the atmosphere or to water, would generate a gas.

Having regard to figures 2, 4 and 5, it would appear that the height of the upstand is greater than its radius which would mean that more than 50% of the surface area of the second compartment is enclosed by the first compartment or first compartments.

It is common practice not to use figures in patent documents for judging whether certain dimensions of particular features are known or not.

Accordingly, it has to be stated that the subject-matter of the present claim 1 is new in view of the disclosure of the document D1, in particular as D1 is silent as to the dimensions of the upstand and its surrounding compartment.

However, having regard to Fig. 5 of D1, it is clear that the weak point of the inner compartment (i.e. the upstand) is the foil covering its open end.

The skilled man, wishing to minimise the possibility of rupture of the inner compartment, in particular of the foil covering the compartment, would, without any hesitation, try to minimise the area of the inner compartment covered by the foil and, therefore provide an upstand whose height is considerably greater than its radius.

Accordingly, it appears that the present claim 1 does not meet the requirements of Article 33 (3) PCT, because its subject-matter lacks an inventive step.

Claims 1 to 18

It appears that the additional subject-matter of the present dependent claims 5 to 8 and 11 to 18 is also disclosed in the document D1.

The teaching set out in the present claims 2 and 3 appears to fall within the normal practice performed by the skilled man when providing a water-soluble container (as to claim 2, particular reference is made to the observations set out above with respect to the subject-matter of claim 1).

Accordingly, it appears that the present claims 2, 3, 5 to 8 and 11 to 18 do, because of lack of an inventive step, not meet the requirements of Article 33 (3) PCT.

Additional observations

According to the whole content of the description, it appears that the main purpose of the invention consists in that release of certain substances contained in the water-soluble container into the immediate surroundings should be avoided by a construction which, upon rupture of the second compartment, would allow to release these substances into the first compartment.

It is, however, in no way clear from the present claim 1 how the release of such substances should be avoided if these substances are contained in the first compartment.

Accordingly, it appears that the present claim 1 does not meet the requirements of Article 6 PCT, because its subject-matter is not clear. In particular, it appears that the subject-matter of the present claim 1 fails to solve the basic problem of the present application.

At present, it appears that the provision of a composition in the first compartment which is devoid of gas generating substances and/or the provision of gas release means would contribute to the solution of the problems forming the basis of the present invention.

fil

Our Ref: 11019P1 WO/ASB.lm

Your Ref:

Date: 21 July 2004

European Patent Office
International Preliminary Examination Authority
D-80298
Munich
GERMANY

Dear Sirs

International Patent Application No. PCT/GB03/02931
Reckitt Benckiser (UK) Limited et al

Thank you for the PCT Written Opinion dated 22 April 2004, for which a 3-month period for reply was provided. In response to the Examiner's objection, the applicant has the following comments to make in reply.

Novelty

It does not appear that the Examiner has objected to the novelty of claim 1.

Inventive Step

In reading the Examiner's comments it is believed that the Examiner may have misunderstood the invention to which this application is directed.

One of the difficulties in packaging compositions within containers is that often there is no means to allow any gases that build up during storage of the container to escape from the container. Venting of the container is one solution to the problem to alleviate any build up of pressure within the container, which can cause structural problems or deform the appearance of the container. The problem is particularly acute in containers made from materials that are not moisture barriers, e.g. PVOH. The Applicant has found a solution to this problem that involves using a container with two compartments. Each compartment contains a composition. However, the one composition that is sensitive to moisture and can generate a gas on exposure to the atmosphere or water is protected by providing a second compartment that covers more than 50% of the surface area of the first compartment. In addition, it is specified as an essential feature of the invention, that the composition contained within the 'protecting' second compartment is itself specified to contain less than 5wt% water.

The Examiner in particular has cited D1 GB2358382 as being the closest prior art. Although this document describes multi-compartment containers itself the document does not disclose that the compartments may be orientated in such a way that they

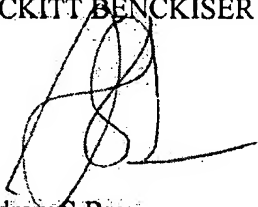
may protect the contents of the container from the ingress of atmosphere or moisture. In particular the Examiner has drawn attention to the figures of this D1, although directly states that no inference can be drawn from the figures since they are merely illustrative. It is worth pointing out that the upper and lower surface of the chamber labelled 22 in figure 4 both have external facing surfaces, I refer you to figure 5 which shows one external surface and figure 7 which shows the other external surface.

In addition D1 does not disclose or recognise the issues to which this patent application addresses yet alone identifying any solution.

It is respectfully asserted that the application as filed is both novel and inventive over the prior art cited by the Examiner.

I look forward to receiving the International Preliminary Examination Report in due course.

Yours faithfully
RECKITT BENCKISER plc

A handwritten signature in black ink, appearing to be 'ASB', written over the printed name Andrew S Brown.

Andrew S Brown